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THE THEORY AND PRACTICE OF
NON-TERRITORIAL AUTONOMY IN EUROPE:
A HISTORICAL PERSPECTIVE

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BOOK OF ABSTRACTS

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Non-Territorial
Autonomy
History of a
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'National international law: The Minorities Treaties and municipal legal personality'

León Castellanos-Jankiewicz (Asser Institute for International and European Law, The Hague)

l.castellanos@asser.nl

The paper will explore the role of the Minorities Treaties (1919) as catalyzers of legal personality under national law on the basis of international authority. In doing so, it will ask whether the Treaties had an impact as a source of municipal law and private law in particular. As its starting point, the paper argues that the main rationale behind the international legal regimes protecting individual "others" such as national minorities, stateless persons and refugees, was not the creation of supranational rights, as is usually argued, but to ensure the continuity of legal (commercial) relations through conferral of legal personality in municipal law. Effective international protection was an afterthought, as evidenced by the structural weakness of the interwar minority protection regime. This has important implications for the concept of non-territorial autonomy: Far from being actionable through rights-claims, these international legal categories acted as catalyzers of domestic recognition in private law to guarantee civil status and business transactions. The presentist concern with rights discourse and its public law contours has overshadowed the powerful role of legal personality actioned through international agreements and its effects in the private sphere. The paper will therefore evaluate whether international law operated as a vehicle for the recognition of legal personality under private law by analysing the Minorities Treaties and their domestic effects.

The paper's central argument hinges on the bypassing of national public law in the process of transposing private rights from the municipal to the international legal order. That is to say, the private rights of individuals relating to, say, marriage, inheritance or property found expression in international standards that guaranteed legal personality extraterritorially. But because the epistemic community of international lawyers latterly associated those standards with public international law, the legacies of private law in this translation process are lost to us. If we conceive of interwar minority protection, refugee status and statelessness as supplying (or supplementing) legal personality in the domestic sphere to ensure the legality of contractual transactions and civil status (as opposed to focusing on humane treatment), we can begin to understand the role of private (international) law as a catalyzer for transborder rights recognition, which is a signal feature of latter international human rights law. It also helps us reframe the legacy of the minorities treaties, which are generally considered as a failure due to their faulty rights-enforcement mechanisms, as forebearers of legal personality under national law. The move from rights-claims to legal personality is a subtle one, but one which has important implications for the everyday and embodied experience of individuals. Finally, the fact that the epistemic boundaries between public and private international law were fluid at the time also lends weight to this argument.

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León Castellanos-Jankiewicz is Researcher in International Law at the Asser Institute and Academic Coordinator of the Netherlands Network for Human Rights Research. His work focuses on international human rights law, the history of international law and minority protection. His paper 'Nationality, Alienage and Early International Rights' was awarded the inaugural David D. Caron Prize by the American Society of International Law in its 2019

Annual Meeting. Prior to taking his position at the Asser Institute, Castellanos-Jankiewicz was a Max Weber Postdoctoral Fellow at the European University Institute, Florence. He holds a PhD in International Law from Geneva's Graduate Institute of International and Development Studies.

'Non-territorial (non-)autonomy and its socio-political conditions. What informal arrangements at the local level can tell about the benefits of non-territorial autonomy?'

Gábor Egry (Institute of Political History, Budapest)
egry.gabor75@gmail.com

Renner in his *„Das Selbstbestimmungsrecht der Nationen"* argues that establishing non-territorial autonomy is less of a rupture than it seems because Austria already established most of its elements and therefore non-territorial autonomy informally was a reality. Even though this argument was partly designed to mitigate fears regarding his plans, it is not an infrequent observation that the reality of multinational contexts differed and differ from the legal framework, sometimes to the benefit of national minorities. In this paper I will use this observation as a starting point for reframing a series of such informal arrangements from the eastern parts of dualist Hungary and the western zones of interwar Romania. Using these historical examples from different periods but conditioned by the socio-geographic characteristics of the same region, I hope to reveal the conditions of such arrangements the reasons why they rarely developed into legally anchored minority rights, or autonomy.

While the change of scale offers more detail and coherence it makes the set of examples patchy. However, the possibility to follow the trajectories of the examples through different historical periods makes it possible to draw conclusions. I will argue, that these informal arrangements, which usually included language use and right of association were rather connected with local conditions, remained uneven, therefore no substitute for minority rights or non-territorial autonomy uneven, exposed too much to local conditions. They were more effective in contexts where the groups benefitting from them were less modernized, and the beneficial effects evaporated as people moved socially upward or if their everyday culture changed. Urban, educated middle-classes enjoyed the most benefits, not least because education often meant bilingualism, but the informality underpinning them failed to generate the political recognition and acceptance necessary to uphold them intact not to speak of erecting a different minority rights regime. To a certain extent they were even detrimental to such efforts. Thus, they were no substitute for non-territorial autonomy, despite resembling its important features, but in nationalizing states they often remained the only model of accommodating minority rights and a potential building block of autonomous arrangements.

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Gábor Egry is a historian, Doctor of the Hungarian Academy of Sciences, and director-general of the Institute of Political History, Budapest. His research interests are nationalism, everyday ethnicity, politics of identity, politics of memory in modern East Central Europe. Author of five volumes in Hungarian and several articles. among others in European Review of History, Slavic Review, Hungarian Historical Review, Südostforschungen. He was a Fulbright Visiting Research Scholar at Stanford University, recipient of fellowships from Imre Kertész Kolleg Jena, New Europe College, Bucharest, and the Hungarian Academy of Sciences. He is the Principal Investigator of the ERC Consolidator project *Nepostrans – Negotiating post-imperial transitions: from remobilization to nation-state consolidation. A comparative study of local and regional transitions in post-Habsburg East and Central Europe*.

'Vladimir Medem, Beynish Mikhalevitsh and the Jewish Labour Bund on Plurinational States'

Roni Gechtman (Mount Saint Vincent University, Halifax)
roni.gechtman@msvu.ca

A common criticism often expressed against the idea of Non-Territorial Autonomy (NTA) in plurinational states is that the proponents of this programme, often members of national minorities, want to completely reshape constitutional arrangements in a way that would benefit minority over majority nations. This criticism is typically expressed by proponents of the nation state as the only normative form of political organization; in many cases they are members or descendants of the same nationalist movements that in the not-too-distant past strove to dismantle multinational states in order to carve their own nation state. Would the model of plurinational states with formal recognition of all nationalities in the form of NTA will benefit all citizens alike (members of both majority and minority nations)? Would NTA fulfill its task to the same extent in large multinational empires as well as in smaller political units of the magnitude of nation-states? A practical answer to these questions would require to extrapolate from some particular experiences to all states (a task well beyond the scope of a conference paper). This paper will rather focus on the theoretical proposals of NTA by two authors belonging to the same party, the Jewish Labour Bund, but who wrote in dramatically different political contexts: Vladimir Medem —who developed the Bund's National Cultural Autonomy programme in Czarist Russia in the first decade of the twentieth century— and Beynish Mikhalevitsh who, in the 1920s, adapted the Bund's autonomist programme to the context of the interwar Poland, a nation state with a clear national majority of 70% of ethnic Poles. Mikhalevitsh was deeply disturbed with the dismantling empires into nation states at the end of the Great War, and also evaluated recent (the Ukrainian Republic of 1917-20) and at the time existing autonomy experiments (Lithuania and the Soviet Union). For Mikhalevitsh, the notion of 'one nation – one state' was unfeasible in the modern world, and the carving of the old empires into nation states and benefitted not all members of the majority nations but only their economic elites.

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Roni Gechtman is Associate Professor of European History at Mount Saint Vincent University, Halifax N.S., Canada. His main area of research is the history of the Yiddish-speaking labour movement in early-twentieth-century Russia and Poland. He has published articles on the Austro-Marxists Otto Bauer and Karl Renner, on the development of the Jewish Labour Bund's programme of national-cultural autonomy, on the Bund's cultural, recreational and sport organizations in interwar Poland, and on its place in Zionist historiography. He is currently editing for publication the first English translation of Vladimir Medem's *Social-Democracy and the National Question*, first published in 1906.

'Abram Kirzhnitz and the Evolution of the NTA Idea in Siberia'

Victoria Gerasimova
gerasimova@bk.ru

The ideas of autonomy were widely developed in the Jewish national movement of the late 19th and early 20th centuries. Perhaps the brightest idea of national-cultural autonomy was presented in the program of the "Folkspartei" party by S. Dubnow, and in a milder form it was borrowed by other political parties as well, with the exception of the Zionists. The ideas of Jewish autonomism were certainly influenced by the Austrian Social Democrats, but it is believed that they developed in parallel and were not borrowed. In my presentation I propose to analyze the evolution of the idea of Jewish national-cultural autonomy and its implementation in Siberia in the 1910s-1920s using the biographical method. The central character of my analysis will be one of the most prominent leaders of Jewish national life in Siberia Abram Davidovich Kirzhnitz - a well-known specialist in Jewish bibliography, journalist, and historian of the labor movement.

A native of Bobruisk, Belarus, A. Kirzhnitz was an active member of the Bund since 1906. In 1915 he was exiled to Siberia for his political activities. It is well known that the Bund, the Jewish Social Democratic Labour Party, advocated the creation of a Jewish national-cultural autonomy and diverged from the RSDLP. The emergence of the Bund in Eastern Siberia significantly influenced the political orientation not only of local Jews, but also the entire social and political life of ethnic groups beyond the Urals. In the absence of a proletariat, on which the Bund relied, Jewish activists experienced difficulties in implementing their ideas, and were therefore forced to enter into coalitions with other ideologically similar national groups. Being in Irkutsk, A. Kirzhnitz not only headed the Irkutsk Bund, but also created the Siberian Jewish Cultural League "Tsukunft", embodying in practice the ideas of the Jewish national-cultural autonomy. In 1919, in the midst of the Civil War, on behalf of a representative of the American Jewish Distribution Committee, Kirzhnitz drafted a memorandum on Siberia as a center of Jewish immigration, in which he presented in detail the prospects for resettlement of Jews from the European part of Russia beyond the Urals. In 1920 he left for Chita, the capital of the Far Eastern Republic, where he participated in the development of legislation on ethnic minorities, including a project of national-cultural (exterritorial) autonomy, which formed the basis of similar projects of other ethnic groups. Kirzhnitz supported the creation of the Jewish autonomy in the late 1920s in the Bira-Bidzhan interfluve.

A. Kirzhnitz's ideas and activities in Siberia had a significant impact on the development and promotion of the concepts of national autonomy beyond the Urals. Kirzhnitz's projects, while emanating from Jewish realities, nevertheless influenced the political strategies of other ethnic groups asserting their rights to autonomy. Based on primary sources and the press, the presentation will discuss such topics as the problem of group membership and leadership in the context of a "tiny minority," as well as the dominant influence of the Jewish group in shaping the social and political agenda of other ethnic groups in Siberia during the Civil War.

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Victoria Gerasimova is a senior research fellow and a head of the Laboratory for the study of Jewish civilization at Dostoevsky Omsk State University. She also coordinates webinar program at Sefer Center for University

Teaching of Jewish Civilization in Moscow. Her main research interests include social history of Jewish in the Russian empire with a focus on the territories beyond the Pale of Settlement, Jewish-Christian relations, and digital researches in Jewish Studies. She is also a guest co-editor of the 5th issue of "Judaic-Slavic Journal" on the History of Jews in Siberia and Russian Far East. Currently she is working on the book project on Jews in Siberia in 1920-30s.

'Illegible Knowledge: Nathan Feinberg, Autonomous Experience, and the Partition of Palestine'

Rotem Giladi (University of Roehampton)
rotem.giladi@roehampton.ac.uk

On numerous occasions when Nathan Feinberg—a former official of the Lithuanian Ministry of Jewish Affairs, institutional functionary in Jewish minority rights advocacy, and a future founding dean of the Hebrew University Law Faculty—was called upon to place his experience and expertise on autonomy and minority rights. Each time, political circumstances and ideological interpretations combined to render that knowledge obsolete, irrelevant, and illegible. In this paper, I deconstruct that illegibility to explore the ideological underpinnings of Feinberg's engagement with autonomism and minority rights—in other words, of his epistemological investment and professional *habitus*. This allows me, in turn, to trace the fate of Feinberg's knowledge, the forces that affected its transfer from Eastern Europe to Mandatory Palestine, and the ideological imperatives that had marginalised this knowledge—and Feinberg's legacy.

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Rotem Giladi is a Senior Lecturer at the University of Roehampton Law School, an Affiliated Researcher at the Leibniz Institute for Jewish History and Culture—Simon Dubnow, Leipzig. He studied law at University of Essex, Hebrew University of Jerusalem and University of Michigan Law School (S.J.D.). His research explores the intersection of theory, ideas, power, culture, and race in the history of international law and, especially, the laws of law. In addition, his work examines the intersections between international law and modern Jewish history. His book *Jews, Sovereignty, and International Law*: *Ideology and Ambivalence in Early Israeli Legal Diplomacy* was published by OUP in 2021.

'Karl Renner's Internationalism'

Piet Goemans (Independent Scholar)
goemans.piet@gmail.com

In this paper I reconstruct Karl Renner's theory of international integration which is, at the same time, his argument against national sovereignty. I will also argue that Renner's internationalism informed his version of non-territorial autonomy (NTA) and that this hindered the implementation of NTA. Renner criticizes national sovereignty for implying an absolute and anarchic conception of the freedom of nations. Renner proposes a more integrated and stronger international political order that only allows for a relative form of freedom. Renner's internationalism informs his version of NTA and hence at least this version is ill-adapted to being implemented in the current world of nation states.

To assess the impact of Renner's internationalism on his version of NTA one needs to know his theory of international integration. The main part of my paper will thus reconstruct this theory, as well as his criticism of national sovereignty. Renner's theory of internationalism encompasses several elements: economic substrates that give rise to communities of commerce; different kinds of policy-making tools minimally needed to keep these communities of commerce together; an international political level with certain kinds of competences, etc. National sovereignty is in conflict with these policy-making tools and competences on higher levels than the nation state.

Renner's version of NTA does not fit well into a world of nation states. It does fit well into a more internationally integrated world, containing larger political units. Renner was forty-eight and he had published most of his works on NTA when he put his signature under the Treaty of Saint-Germain-en-Laye, which ratified the first wave of nation state formation. Hence, his version of NTA has several features that better fit the more internationally integrated world from before the First World War. In my paper I will point out certain of those features, like the following ones. Informed by his internationalism Renner argues against state sovereignty on the long term – in this sense his version of NTA stands opposed to the state. Hence, when developing NTA, he denies minority nations the prize of state sovereignty. Moreover, Renner writes for a larger political unit than the nation state, in which the political center can more easily be seen as a culturally neutral or a-national center. Part of the reason why Renner strengthens Vienna is that he did not see a strong Vienna as a German nationalist demand but rather as a neutral or a-national demand for a more integrated international federation. In the same vein, when Renner discusses the role of the German language, he uses the seemingly neutral phrase "language of communication". Among others, these features of Renner's NTA are both informed by his internationalism and they make it harder to implement NTA in a world of nation states. For, in such a world, the idea of a political center or a language of the dominant nation being neutral, is less plausible. I will end on a positive note: if international integration is to deepen then there might be a bright future for NTA.

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Piet Goemans is an independent scholar who works on national cultural autonomy. He received his MA degree from the University of Leuven, Belgium, and obtained his PhD in 2017 from the University of Pavia, Italy. In his doctoral dissertation he gave an up to date normative defense of national cultural autonomy that can hold its own in contemporary debates. Recently, Piet returned to the writings of the intellectual father of national cultural autonomy, i.e., Karl Renner. Piet is currently working on a book dedicated to Renner's reform plan that aimed to solve the national question in the Habsburg Monarchy.

'Imperial Uses of Non-Territorial Autonomy: The Projects of Russian Legal Scholars'

Tatiana Khripachenko (University of Bonn)
tkhripachenko@gmail.com

In my paper I will compare two projects for non-territorial autonomy proposed by Russian international lawyers shortly before the collapse of the Russian empire. André Mandelstam, an official of the Russian Ministry of Foreign Affairs, formulated the first of these projects in 1913 within the framework of governmental commission on the protection of Armenian minority in the Ottoman empire. The Ottoman government was supposed to fulfill the proposed reforms under the pressure of great powers. The project presupposed a restriction

of the sovereignty of the Ottoman empire. England, France and Russia were appointed as guarantors of the rights of the Armenian population, which was provided with non-territorial autonomy. In 1917, already after the February revolution, Mandelstam's colleague, Boris Nolde wrote another project. He offered it as an enhancement of the program of the Constitutional Democratic party related to national question in the Russian empire. Being partially a reaction to recognition of the Ukrainian national-territorial autonomy by the Provisional Government, this project aimed above all to preserving Russia's territorial integrity. To achieve this goal Nolde opposed the principles of national autonomy and decentralization of Russia along territorial lines. The latter, according to the author, had to be devoid of national content. Instead, he offered to solve the national question by providing nationalities with cultural rights, which would not be linked to a specific territory.

Juxtaposition of these two projects brings to a preliminary conclusion, that Russian legal scholars used the idea of non-territorial autonomy not merely for the protection of minorities, but also for achieving certain pragmatic aims. In the first case the project aimed to put the Ottoman empire under the control of Russia along with other great powers, in the second case – to contrast the projects on national-territorial autonomy promoted by national movements with another project, which would ensure the preservation of territorial integrity of the Russian state. In addition to exploring this general issue, my paper will offer an analysis of the legal concepts used in both projects, particularly how the notion of sovereignty was changing depending on pragmatic political goals pursued by the authors of the texts.

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Tatiana Khripachenko received her PhD at Central European University in 2014. Her dissertation was devoted to the analysis of the concepts of autonomy and federation in the liberal discourse of the Russian empire. Presently, she is a researcher at the Southern Scientific Centre of the Russian Academy of Sciences. Her current project examines the entanglements between the Soviet and Russian emigrant scholarly discourses of international law in 1920s and 1930s. A special case of her research considers the ideas of Andre Mandelstam and Boris Nolde about non-territorial autonomy as a means to ensure the international protection of minorities.

'National Classification in Imperial Austria: A New Take on a Pivotal Case'

Jeremy King (Mount Holyoke College, South Hadley)
jking@mtholyoke.edu

Early in 1881, imperial Austria's Administrative Court of Justice (ACJ) issued a ruling in a case from the Bohemian city of Pilsen / Plzeň. At stake was the correct procedure for determining whether someone appointed to the local school board for German-language schools was a German, and thus counted—as legislation enacted in 1873 required—among "the members of that nationality for which the school represented by the local school board is meant." Three tiers of administrative authorities had confirmed the appointment. But German leaders in Pilsen / Plzeň, protesting that the man was "publicly known" to be a Czech and declaring that "we must defend ourselves energetically, so that Czech cuckoo eggs are not laid continually in our German nests," appealed those decisions to the highest legal instance. "[S]hould the nationality of an individual be contested in a concrete case," the ACJ ruled, "and should external actuations of national convictions be lacking, it will surely be necessary to question him about his nationality, and to treat him as a member of that nationality to which he

professes himself to belong." And it remanded the case to administrative authorities in Bohemia for reconsideration.

For a generation or more, Austrian administrative manuals cited the 1881 decision and subsequent applications of it by the ACJ as guiding precedent for adjudicating new disputes over national belonging—which continually increased in number. And scholars kept knowledge of it alive after imperial Austria ceased to exist. Wolfgang Steinacker noted the "conceptual significance of this classic decision" in 1932, and leading scholars such as Robert Kann, Heinz Kloss, and Gerald Stourzh joined in that assessment in the 1960s and '70s.

How was the case settled after remandment in 1881? And how were other cases settled over the following decades? Since the 1930s, the scholarly consensus has been that the ACJ laid down principles which translated into classificatory procedures centered on each person's own declaration or profession of national belonging. A 'subjective' understanding of belonging prevailed, not an 'objective' one centered on perceptions of the person by others or on verifiable markers such as the "language of daily use" claimed by the person in the most recent census.

Over the past decade, I have dug deeply into the Pilsen / Plzeň case. I have obtained the ACJ file in Vienna which was first discussed by Stourzh. I have visited Plzeň to read the local German and Czech-language newspapers and to review school board records and other archival materials. In the Czech State Archive in Prague, I have found the relevant administrative reports from the early 1880s, never before cited by historians and containing surprises. I have researched antecedents, above all in the Prague suburb of Königliche Weinberge / Královské Vinohrady. My findings contradict the long accepted narrative and bring into view a more complex development of national classification—a core component of non-territorial national autonomy.

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Jeremy King, Professor of History at Mount Holyoke College in Massachusetts, received a B.A. degree from Yale in 1985 and a PhD in History from Columbia University in 1998. Princeton University Press published his book, *Budweisers into Czechs and Germans: A Local History of Bohemian Politics, 1848-1948*, in 2002. He recently re-submitted an article to the *Journal of Modern History*: "Who Is Who? National Classification in Imperial Austria, 1867-1914." The forthcoming *Cambridge History of the Habsburg Monarchy* will also contain his chapter on nationalities policy from 1848 to 1914.

'National Indifference vs. the Pressure of Nationalism? The Moravian Society Before and After the Approval of NTA'

Pavel Kladiwa (University of Ostrava)
Pavel.Kladiwa@osu.cz

The study characterises the Moravian society of the late 19th and early 20th century in relation to matters of nationality. Due to the considerable share of nationally mixed districts and municipalities and the slower rise of escalated nationalism, Moravia could theoretically be an ideal place to apply the concept of American historians emphasising the national ambivalence or indifference of "ordinary people" long facing the agitation of various groups of nationalists whose numbers were limited. However, the result of long-term research based on detailed research of sources shows that such a concept needs to be handled with great caution.

Tara Zahra's "national indifference" and Pieter Judson's conception of unnationalised (transnational) everyday life and its separation from the public sphere in Cisleithania rightly combat the overly nationalist interpretation typical of many historians from nation states created after the collapse of Austria-Hungary. However, we should not reach the other extreme either, i.e. overemphasising the phenomena of national indifference and the nationalists' offensive against the non-national population. By the early 20th century, everyday life was already largely intertwined with public life, including in the countryside. Both the urban and rural milieux were not only "pushed" into the national project (Czech as well as German) by the nationalists, but primarily won over for it by positive influence, i.e. practical benefits, both material and spiritual, which were gained from this involvement by an ever-wider circle of the local population. Nationalisation was inextricably linked to modernisation, as social, political, and national emancipation cannot be separated. We need to take into account not only the national indifference and the pressure directed against it (and against one another) by the nationalists, but also the reaction to the assimilation activities of the councils of mixed towns (mostly German), and especially the positive points that the national programme and the organisations and individuals behind it gained with the people.

The system of non-territorial autonomy established in Moravia as part of the Moravian Compromise in November 1905 meant that the competition among multiple parties of one nationality for mandates was accelerated. Stronger competition in one's own national camp led to the use of more radical slogans, usually national. The main effect in education was the intensification of Czech activities against the admission of Czech children to German schools, and the German countermeasures. However, the latter activity was, in contrast to the election agitation, limited to the milieu of mixed towns. Nevertheless, the nationalisation of the broader strata of the Moravian society had already advanced before the Moravian Compromise.

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Dr. Pavel Kladiwa wrote his dissertation on the topic "The formation of the civic society in Moravian Ostrava (2001). His habilitation is titled "The local self-governments in Moravia during the Cisleithanian era" (2008). He works as a professor at the Faculty of Arts, University of Ostrava (Czech Republic). His last finished projects are "The transformation and social activation of rural areas in Moravia and Austrian Silesia 1861-1914," and „The nationality in the censuses of the Czech Lands between 1880 and 1930 (disputes, polemics, conflicts)". His current project „The Moravian Compromise as a Laboratory for the Nationalization of Politics and Law: The National Partitioning of Moravia's Towns, 1905-1914" is devoted to the practical impacts of the system of non-territorial autonomy for the Moravian towns. His three-week research stay is sponsored by ENTAN in the framework of a Short Term Scientific Mission (STSM).

'The Trap of Non-territoriality in Revolutionary Ukraine: Polish National Autonomy (1917-1920) in Assessments of its Creators and Contemporaries'

Gennadii Korolov (Institute for the Study of East Central Europe, Kyiv)
hennadiikorolev@gmail.com

The paper deals with the perception and assessments of Polish national activists in revolutionary Ukraine regarding the concept of "national-personal autonomy" and its implementation in 1917-1920. It chiefly focuses on such famous figures of the Polish national movement and Ministry of Polish Affairs as Stanislaw Kalinowski, Roman Knoll, Antonina

Kryźanowska, Włodzimierz Redlich, Leon Trzeciak, Kazimierz Domosławski and others. Firstly, it examines their impact to the creation and activity of Polish national autonomy in revolutionary Ukraine and provides their assessments based on personal testimonies. Secondly, it describes how the Polish national movement imagined the territory of independent Ukraine and the realization of the territorial approach to the political system. Thirdly, it aims at reconstructing the evolution of the idea of national-personal autonomy, opinions and arguments regarding the ethnic relations and national minorities' status in Ukraine in 1917-1920.

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Gennadii Korolov is director of the Institute for the Study of East Central Europe in Kyiv, a senior research fellow at the Institute of History of Ukraine of the National Academy of Sciences of Ukraine. He obtained PhD in History in 2010 and Habilitation degree in 2020. He has received several scholarships from the Center of East European Studies of Warsaw University, the German Historical Institute in Warsaw, and the Institute for Modern and Contemporary Historical Research at the Austrian Academy of Sciences in Vienna, and Harvard Ukrainian Research Institute, Hokkaido University. His scholarly interests are history of ideas in East-Central Europe, history of federalist ideas and the violence studies during the First World War and after.

His latest paper is 'In Search of the Lands of Rus': The Idea of Ukraine in the Imagination of the Little Russian Movement (1917–1919)'. *Nationalities Papers* 49:4, Special Issue on "1918 and the Ambiguities of Old-New Europe", 2021, p. 679–690.

'Non-territorial Autonomy in Russia: Political projects and their implementation during the Revolution and the Civil War'

Irina (Iraida) Nam
namirina@bk.ru

The paper discusses the attempts to turn into practice the idea of non-territorial autonomy or, using other terms, national-personal autonomy, cultural-national autonomy and extraterritorial autonomy. These attempts undertaken from 1917 to 1922, during the Russian Revolution and the Civil War, when the fate of the disintegrating multinational Russian Empire's state structure was being decided, are still the focus of current analysis and thinking as to why these attempts had not produced the desired result, and whether it is possible to repeat them today. This autonomist model in its essential features – extraterritoriality, personalism and the recognition of national unions as collective legal entities – was designed: a) to protect the rights of individuals and groups belonging to national/ethnic minorities and b) to reduce the severity of (if not completely eliminate) ethnic conflicts. This is undoubtedly important as territorial struggles have been and continue to be an obstacle in resolving such conflicts.

The idea of national-personal autonomy was best developed in Jewish parties' political documents and journalism. It is generally accepted that the Austro-Marxists were the ones who created this idea, but at the turn of the 19th and 20th centuries, the idea was in fact already 'in the air' and therefore quickly gained wide popularity in Russia. For example, unaware of the works of Karl Renner and Otto Bauer, Semyon M. Dubnov developed the theory of Jewish autonomism. Russian projects suggested different ways of making cultural-national/national-personal autonomy a reality – from a universal model of resolving national/ethnic issues as an alternative to territorial solutions to specific models suited to the

needs of ethnic minorities and peoples without a territory. All these projects were widely tested from 1917 to 1922.

After the fall of the Russian monarchy, the idea of national-personal autonomy moved from the realm of debates into political practice and lawmaking. It can be traced in the activity of the Central Ukrainian Rada, the Siberian regionals and the Far Eastern Republic, as well as in the religious-national movement of Muslims in Russia and Siberia, and in national movements such as the Jewish, Ukrainian and German movements and the movement of the peoples of the Volga region.

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Irina (Iraida) Nam is a professor at Tomsk State University and the author of the book *"Ethnic Minorities of Siberia and the Far East at a Historical Turning Point. 1917 - 1922"* (Tomsk 2009), documentary collections *"National-cultural autonomies and associations"* (Vol. 1-3, Moscow 1995), "*Cultural-national autonomy in Russia*. *Vol. 1, Siberia 1917-1920* (Tomsk 1998) and *Vol. 2: The Russian Far East 1921-1922* (Tomsk 1999), as well as of the numerous articles dedicated to the appeal of the idea of national-personal (extraterritorial) autonomy in pre-revolutionary Russia, and its practical implementation in post-Soviet Russia.

'Individual vs. collective rights? West European views on non-territorial autonomy, 1914-1939'

Xosé M. Núñez Seixas (University of Santiago de Compostela)
xose-manoel.nunez@alumni.eui.eu

The leading elites of the diverse ethnonationalist movements that emerged or developed in the aftermath of WWI in Western Europe refused to see their territories as "national minorities". In their view, they were stateless nations or nationalities. However, they generally considered that their situation was not comparable to that of ethnic/national minorities in East-Central Europe. However, the Versailles settlement led since the early 1920s to the emergence of the 'minority question' as a transnational field of theoretical debate. The new political vocabulary that was now available for internationalising minority national claims was that of the protection of minorities. Many ethnonationalist activists in Southern and Western Europe, from Wales to Catalonia, saw a window of opportunity to present their cause abroad. This also meant adopting and discussing the principle of non-territorial autonomy, and the many ways in which it could be adapted to the purportedly different ethnic and cultural preconditions of Western Europe. From the theories of Renner and Bauer, to the Estonian Cultural Autonomy and the debates within the Congress of European Nationalities, a parallel discussion emerged in several sub-state nationalist movements about how to reconcile territorial and cultural autonomy, as well as collective and individual rights. This paper will explore in depth the nuances and commonalities among debates taking place in Barcelona, Bilbao, Cardiff, Rennes, Santiago de Compostela and Paris/Toulouse at that time, and will attempt at tracing some commonalities on the West European reception of transnational debates on NTA.

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Xosé M. Núñez Seixas obtained his Ph.D. at EUI Florence, and is Full Professor of Modern History at the University of Santiago de Compostela; in 2012-17 he also taught at the Ludwig-Maximilians University of Munich. He has published widely on the comparative history of nationalist movements and territorial identities, as well as on overseas migration, the cultural history of war and violence, and the memory of the dictatorships. Among his latest books are (ed.), *The First World War and the Nationality Question in Europe* (Leiden/Boston 2020); *Sites of the Dictators. Memories of Authoritarian Europe, 1945-2020* (London, 2021); and *The Spanish Blue Division on the Eastern Front, 1941-1945: War, Occupation, Memory* (Toronto, 2022).

'Non-Territorial Arrangements for Minorities in Interwar Soviet Ukraine: the Case Study of the Polish Community'

Olena Palko (University of Basel)
olena.palko@unibas.ch

During the 1920s, Soviet authorities initiated and implemented a unique set of policies and initiatives towards national groups. It was designed to propagate national differences and provide each ethnic group, no matter how small, with equal access to state and party institutions, judicial defence, and education in native languages. Those aspirations were to be achieved through an intricate administrative reform, whereby each nationality, no matter how small, was granted the possibility of a self-rule in its native language, which extended downward into smaller and smaller territories, the smallest being the size of a single village. By 1929, there were 26 national districts in Ukraine, out of which 9 were Russian, 7 German, 4 Bulgarian, 3 Greek, 1 Polish and 2 Jewish. In addition, 1089 national village soviets and 107 town soviets were established, including some formed for such negligible ethnic group as Swedes and Albanians. Within those national-territorial units, the Soviet state strove to provide access to state institutions, political representation, police and judicial protection, health care, education and cultural opportunities in the minority language. Moreover, for those individuals of minority origin residing beyond respective national-territorial units, the state pledged to provide non-territorial autonomy with similar access to services in minority languages and guarantee of national rights.

This paper aims to examine non-territorial arrangements in place in Soviet Ukraine based on the case study of its numerous Polish community, one of the biggest national minority of the republic constituting 1.64% of its population. In particular, I aim to consider how the provision of education, and police and judiciary protection was organised throughout the republic. The paper also aims to estimate the success of those Soviet arrangements in reaching out to its minority populations and evaluate the grassroots response for these centrally-devised initiatives.

More broadly, the paper will examine the Soviet objectives behind introducing such an intricate administrative system and adhering to promote and defend national rights of its minorities. It will analyse the on-going debates among party officials, Soviet bureaucrats and minorities specialists during the early 1920s about the benefits and perils of providing territorial and non-territorial autonomy for disperse and often assimilated Poles in Soviet Ukraine. Based on rich archival material, the paper will argue the instrumental role of this new administrative system and encouraged autonomism for achieving wider political and strategic goals.

This paper addresses one of the key categories as defined by the conference organisers, namely overlooked NTA arrangements in the Soviet context, where non-territorial autonomy was meant to enhance those more straightforward territorial autonomy provisions.

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Olena Palko is a Leverhulme Early Career Fellow at Birkbeck College, University of London. She received her PhD in History from the University of East Anglia. Her research interest lies in the field of early Soviet history and the interwar history of Eastern Europe. Olena was a visiting fellow at the University of Basel, the Institut für die Wissenschaften vom Menschen (Vienna) and Centre Marc Bloch (Berlin). She also holds a degree of Candidate of Political Science (*kandydat nauk*) from the Institute of Political and Ethnic Studies, National Academy of Sciences of Ukraine (2013). Olena Palko authored a number of publications on Ukraine's history and culture of the 1920s. She was an organiser of an international conference "Contested Minorities in the 'New Europe': National Identity from the Baltics to the Balkans, 1918-1939", held at Birkbeck in June 2019, and is currently working on a collaborative publication project entitled 'Making borders of contemporary Ukraine'.

'Moravian Pact 1905: a model solution to ethnic conflicts or a way to deepen ethnic conflicts in the daily lives of the inhabitants of multiethnic cities on the eve of the Great War'

Andrea Pokludová (University of Ostrava)
andrea.pokludova@osu.cz

The presented paper will focus on the practical impact of the Moravian Pact (1905), which was presented by current government apparatus as a "model" solution of interethnic relations in the multiethnic society of Moravia in times of ethnic conflicts, which first took place in parliament and in the press (on the edge of the press law). With the nationalization of society, they got into the public space of cities (Olomouc, Brno, etc.). The paper will not discuss the several-year history of political negotiations between the German and Czech political representation, the German political and economic hegemon in the country, the Czech mostly in terms of population and calling for their rights, i.e., linguistic equality, population share corresponding to political power in the country, development of national education in multi-ethnic cities, etc. There are several works on these topics by historians and political scientists. The study will focus on the application of the Moravian Pact, specifically its key areas, i.e., lex Perek, lex Parma and electoral rules in practice, i.e., in the daily life of the inhabitants of selected cities of Moravia (conflicting from the perspective of Czech-German coexistence – Brno, Olomouc, Místek, Moravian Ostrava and Znojmo). It answers the question of whether, from the point of view of the idea of non-territorial national autonomy, it worked in practice. Right or wrong? Indeed, the Moravian Pact was an example worthy of following or blindly following a political act that was concluded as a result of heated national disputes and the call of the masses for equal suffrage. For the first time in history, on the basis of basic research and comparative approaches, the topic will be answered, primarily for the field of education and provincial elections. The specific impacts of the established autonomous principles and the search for other political solutions to interethnic relations, which placed national law above civil rights, will be presented.

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Andrea Pokludová lectures at the Department of History of the University of Ostrava. She completed a doctoral program (Ph.D) in Economic and Social History at the University of Ostrava. She was appointed an associate

professor of Cultural and Social Anthropology on the basis of a habitation procedure at the Faculty of Humanities of Charles University. It deals with the social and urban history of the Czech lands of the 'long'19th century in context of Central European development. It examines the role and function of the social group intelligence of a multi-ethnic society in the process of nationalism. It deals with numerous aspects of the history of everyday life of urban and rural society in the process of modernization: education and public health.

'Religious Communities and Non-Territorial Autonomy, through Court and Constitution'

Simon Rabinovitch (Northeastern University, Boston)
s.rabinovitch@northeastern.edu

This paper will argue that non-territorial autonomy has been preserved in European states, and globally, especially for religious groups, through the concept of collective rights. Using European Jewry as an example, I will point to key recent court cases that have affirmed Jewish collective rights and constitutional provisions in different European states that preserve de facto Jewish autonomy. In the presentation, I will demonstrate a new digital humanities tool I am currently developing called that is mapping different forms of collective rights globally. The first interactive map in this project, launching soon, categorizes Jewish collective rights around the world according to eight different legal frameworks. The resulting visualization helps to demonstrate geographic clusters of different kinds collective rights and non-territorial autonomy.

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Simon Rabinovitch is the Stotsky Associate Professor of Jewish Historical and Cultural Studies at Northeastern University in Boston, where he teaches and writes on a range of topics in European, Jewish, Russian, and legal history. His books include *Jewish Rights, National Rites: Nationalism and Autonomy in Late Imperial and Russian Jewry* and the edited collections *Jews and Diaspora Nationalism: Writings on Jewish Peoplehood in Europe and the United States* and *Defining Israel: The Jewish State, Democracy, and the Law*. He is currently working on a book comparing legal conflicts over Jewish collective rights around the world.

'The NTA Concept – Beyond the Statist Bias'

Levente Salat (Babeş-Bolyai University, Cluj-Napoca)
salat@fspac.ro

There is a wide consensus in the NTA literature which holds that the concept of personal autonomy is the outcome of socio-political engineering: the concept itself refers to a political construct depicting a particular type of institutional arrangement aimed at accommodating diversity, deployed by State authorities. Formal, legally entrenched recognition and listing the delegated competences are, according to the prevailing wisdom, key ingredients of a fully-fledged NTA. This dominant view, originating in Karl Renner and Otto Bauer's legacy, is heavily loaded by Statist bias: it suggests, on the one hand, that genuine NTA arrangements need to be top-down, State intervention – in the form of formal recognition and institutional design – being critical for the emergence and functioning of any form of personal, non-territorial autonomy; on the other hand, it ignores the importance of the bottom-up component, the desire and capacity of the target group to organize and administer certain aspects of the

community life. Building on historical examples and contemporary case studies, this paper suggests that effective forms of NTA may exist outside the frameworks of the State (churches which predate the emergence of certain States as we know them today), are resilient in spite of the lack of State-recognition (like in the case of the *Kris*-abiding Roma communities and other instances of non-state justice mechanisms in former colonies and beyond), or result from officializing traditional authorities and other forms of legal pluralism, deeply rooted in history, predating by far the State which operates the recognition (in Latin America, Africa, Asia, and other parts of the world). All these examples prove that the existence of effective and resilient forms of personal autonomy institutionalized into varying forms require self-empowered 'semi-autonomous social fields' (S. Moore), the existence of which may be, in certain circumstances at least, more important than State recognition. The paper argues that a more encompassing understanding of the NTA concept could follow from enhancing, in the NTA literature, the attention paid to instances which fall under the categories mentioned above, on the one hand, and form abandoning the State-centered view of the NTA phenomenon, on the other hand, by deconstructing the self-evident, taken for granted concept of the State into its relationships to the overlapping notions of the 'society', the 'people' and the 'nation'.

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Levente Salat is professor of Political Science at the Babeş-Bolyai University, Cluj-Napoca, Romania, and external member of the Hungarian Academy of Sciences. His research focuses on political consequences of diversity, ethnic politics, and interethnic relations. He published 4 books, edited or co-edited 15 and had several contributions to collective volumes and journals, mainly in Hungarian, Romanian and English. Among others, he co-edited *A New Balance: Democracy and Minorities in Post-Communist Europe* (2003), *The Romanian-Hungarian Relations and the French-German Reconciliation* (2004), *Autonomy Arrangements Around the World* (2014), and *Non-Territorial Autonomy and Decentralization* (2021).

'Austrian Roman-Catholic Dioceses and the Recognition of Language Diversity (1867-1918)'

Tamara Scheer (University of Vienna)
tamara.scheer@univie.ac.at

In recent years academic interest in language diversity of the late Habsburg Monarchy met a climax. Although many private and public spheres are well researched by now, only little interest was put on one the most numerous and widespread institution: the Roman-Catholic Church. Having myself since 2012 researched the language diversity in the Austro-Hungarian army, I have turned recently to the Roman-Catholic church by asking similar questions: How was language diversity organized, did it follow own principles or did it take over - at least partially arguments and organizational structures of other or similar - institutions, e.g. for Austria in particular if it followed the provincial laws of so called Landesüblichkeit and Heimatzuständigkeit. Who or which language became dominant and marginalized, and why? According to the overall topic of this workshop, it would be of additional interest to what extent church institutions, for my case Cisleithanian dioceses, headed by bishops, debated internally or publicly principles of NTA.

Surely, most parts of Roman-Catholic messes in the period of concern were held in Church Latin, although for some parts other languages were used, e.g. for chants and the often obligatory anthem (Völkerhymne). But the administration of dioceses and in particular

parish life was much more than just providing messes. It included the printing of regulations, communication between dioceses and parishes/priests, and finally on parish level offering spiritual exercises, confessions, etc. etc. in the languages of the parishioners.

In the Austrian half diocese borders often did not follow provincial borders, however, officially dioceses usually used to respect these languages that were landesüblich. Prague was, for example, bilingual, German and Czech, Trento used Italian and German, and to a degree Ladin, while Vienna followed the rules of Lower Austria and used solely German - at least officially. Dioceses usually spoke of "Anteile" - e.g. the Prague bishop overlooked a "German" and a "Czech" part. I will therefore ask how this "Anteile" were organized, in particular when towns had a linguistically mixed population. Who decided over a parish language? The percentage of speakers or the territorial belonging? And who decided over the believer's native language(s)?

However, even when there was only one language Anteil, e.g. like in Vienna, there had always been believers of other languages, who needed to have their parish organized accordingly. In the second part of my paper I will draw attention on the diocese of Vienna that was officially monolingual, but nevertheless was responsible for parishioners that used other languages (most often Czech and Hungarian). How was church life organized? Did the church representatives argue with NTA principles or others, or did they overlap? Were there differences in the internal discussion and when it was discussed in public? Was there resistance and which role did these church communities played that were run by congregations? Did dioceses separate between state/dioceses level and the individuals who needed to have their spiritual support considered in their languages regardless were they stem from?

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Tamara Scheer is a historian and researcher, and teaches at Institute for East European History, University of Vienna, and Pontifical Institute Santa Maria dell'Anima in Rome. Following her PhD (Vienna) on State of Emergencies in Austria-Hungary during First World War, she published two monographs (Occupation Regimes in South Eastern Europe during the Great War, and Austro-Hungarian Military Presence in the Ottoman Sanjak of Novi Pazar, 1879-1908), currently finishing a book on 'Language Diversity in the Habsburg Army, 1867-1918', as well as outlining a new research project about language diversity in Roman-Catholic Dioceses in Habsburg Austria during the long 19th century.

'What? Why? And for Whom? Tracing the Practice of NTA across Time and Space'

David J Smith (University of Glasgow)
david.smith@glasgow.ac.uk

Inextricably linked to the rise of modern concepts of nationhood and national self-determination, the idea of non-territorial autonomy (NTA) has persisted from the 19th century until today. The academic interest and perceived practical relevance assigned to NTA have varied considerably according to the political circumstances of the age: vigorously discussed (and also implemented in some contexts) in Central and Eastern Europe during the first four decades of the 20th century, which saw multinational empires replaced by a belt of new nation-states and the USSR, it came to be regarded as little more than an interesting historical footnote during the period of the Cold War, even though variants of NTA could be found in different parts of the world. The fall of communism and the demise of the USSR and

Yugoslavia then brought about a resurgence in interest, as various arrangements bearing the NTA label were introduced in the region from the early 1990s onwards. As various scholars have observed, however, there is still a need to reflect more deeply on the actual practice (both historical and contemporary) as opposed to simply the theory of NTA. With a primary focus on Central and Eastern Europe, this paper will seek to address the following questions, while drawing out elements of continuity and change in NTA practice across time and space: what have been the underlying ontological assumptions behind NTA, and how can it be characterised as a system of governance ('what')? What kind of political agendas have lain behind the advocacy and adoption of NTA ('why')? And how have different NTA arrangement been perceived by the ethnic and linguistic communities in whose name they have supposedly operated? Who has, in fact, benefitted from this system in different contexts ('for whom')? The paper will draw on selected examples from two large research projects – one focused on inter-war Europe and the other on the post-communist era. It will also seek to situate the practice of NTA in relation to changing international normative frameworks on the management and accommodation of ethnic diversity over the past century.

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David Smith is the Alec Nove Chair in Russian and East European Studies and Editor of *Europe-Asia Studies* at the University of Glasgow. He has published extensively on issues of nationalism, ethnic politics, and minority rights in Central and Eastern Europe, both historically and in the contemporary era. He is the author of *Ethnic Diversity and the Nation State: National Cultural Autonomy Revisited* (Routledge 2012, with John Hiden), as well as numerous other articles and edited collections dealing with NTA.

'Should the state have control over national registries? The case of cultural autonomy in interwar Estonia'

Triin Tark (University of Tartu)
triint11@gmail.com

Implementing non-territorial autonomy for ethnic minorities or any other group in the society requires understanding who belongs to the group to which the autonomy is intended. National registries on the one hand seem to be one of the easiest and most convenient ways to define the circle of persons who have the right to use the benefits and bear the responsibilities of autonomy. On the other hand, such registries have been considered problematic for various reasons. Among other possible problems, questions may arise, if at all and to what extent a state should have control over the registry and why does the state need to have such control in the first place. In my presentation I will address these issues on an example of interwar Estonia, where a special decree on national registries was adopted by the state government in line with the law of cultural self-government for national minorities in 1925. According to the law and the decree, membership of a cultural self-government was to be voluntary for individuals but any individual who wished to be included into the national registry had to prove their ethnic belonging. Changes to the registry had then to be approved by the Ministry of Interior which had the right to refuse the inclusion of new members if the latter could not prove their ethnicity sufficiently. However, what was sufficient evidence, turned out to be a contentious issue and ironically, the controversies were partly the result of the legal regulation of national registries.

The rationale of this and any other similar case can be understood by seeking answers to the questions of how and why such regulation was established. Relying on the stenographic records of the Estonian parliament as well as laws, draft laws, and their explanations, I will clarify in the presentation at first, why politicians considered necessary to hold the national registries under the state control. Second, I will describe the implementation of the decree of national registries and explain, why the attempts to achieve state control over national registries failed during the first almost ten years of cultural autonomy and the state authorities had very few levers to prevent self-governments to accept those who they wanted to accept. Against the background of this case study, there is a reason to ask, whether non-territorial autonomy can solve issues regarding ethnic minorities in the society, if the state authorities feel the need to take the national registries under strict state control from the outset and cannot just leave them to be a tool for regulation of relationship between autonomous institutions and individuals.

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Triin Tark received her PhD in history from the University of Tartu in 2021 with the thesis on official policies and practices of ethnic categorisation in Europe in the first half of the 20th century. Her main research interests include ethnic identity, minorities and minority politics, and cultural autonomy in interwar Estonia. She has been researched these topics using various qualitative and quantitative methods with the aim to find and explain the connections between the wider societal framework and minority policies. She has published several articles dealing with related questions in Estonian and international journals.

List of Participants

León Castellanos-Jankiewicz
Asser Institute for International and European Law, The Hague
l.castellanos@asser.nl

Gábor Egry
Institute of Political History, Budapest
egry.gabor75@gmail.com

Roni Gechtman
Mount Saint Vincent University, Halifax
roni.gechtman@msvu.ca

Victoria Gerasimova
gerasimova@bk.ru

Rotem Giladi
University of Roehampton
rotem.giladi@roehampton.ac.uk

Piet Goemans
Independent Scholar
goemans.piet@gmail.com

Tatiana Khripachenko
University of Bonn
tkhripachenko@gmail.com

Jeremy King
Mount Holyoke College, South Hadley
jking@mtholyoke.edu

Pavel Kladiwa
University of Ostrava
Pavel.Kladiwa@osu.cz

Gennadii Korolov
Institute for the Study of East Central Europe, Kyiv
hennadiikorolev@gmail.com

Irina (Iraida) Nam
namirina@bk.ru

Xosé M. Núñez Seixas
University of Santiago de Compostela
xose-manoel.nunez@alumni.eui.eu

Olena Palko
University of Basel
olena.palko@unibas.ch

Andrea Pokludová
University of Ostrava
andrea.pokludova@osu.cz

Simon Rabinovitch
Northeastern University, Boston
s.rabinovitch@northeastern.edu

Levente Salat
Babeş-Bolyai University, Cluj-Napoca
salat@fspac.ro

Tamara Scheer
University of Vienna
tamara.scheer@univie.ac.at

David J Smith
University of Glasgow
david.smith@glasgow.ac.uk

Triin Tark
University of Tartu
triint11@gmail.com